

Message Text

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC NIACT IMMEDIATE 9417

INFO AMEMBASSY ISLAMABAD

UNCLAS NEW DELHI 8327

E.O. 11652: N/A

TAGS: PINT IN

SUBJECT: SUPREME COURT GRANTS MRS. GANDHI CONDITIONAL STAY

1. ON JUNE 24, JUSTICE IYER GRANTED MRS. GANDHI A "CONDITIONAL" STAY OF THE ALLAHABAD HIGH COURT JUDGMENT. THE RULING ALLOWS MRS. GANDHI TO REMAIN A MEMBER OF THE LOK SABHA AND ATTEND PARLIAMENTARY SESSIONS, BUT DEBARS HER FROM PARTICIPATING IN THE PROCEEDINGS, VOTING OR DRAWING RENUMERATION IN HER CAPACITY AS A MEMBER OF THE LOK SABHA. JUSTICE IYER HELD THAT THE CONDITIONS ATTACHED TO THIS STAY WOULD NOT AFFECT MRS. GANDHI'S CONTINUATION IN OFFICE AS PRIME MINISTER, OR THE DISCHARGE OF HER FUNCTIONS AS PRIME MINISTER, INCLUDING PARTICIPATION IN THE PROCEEDINGS OF EITHER HOUSE OF PARLIAMENT. (COMMENT: THE JUSTICE THUS DRAWS A FINE LINE BETWEEN MRS. GANDHI'S PARTICIPATING IN THE LOK SABHA AS PM AS OPPOSED TO AS AN ORDINARY MP. THUS, IF SHE WERE TO RESIGN AS PM, SHE COULD NOT PARTICIPATE; AS LONG AS SHE IS PM, SHE MAY...) MRS. GANDHI WOULD CONTINUE TO RECEIVE HER SALARY AS PRIME MINISTER.

2. JUDGE IYER DIRECTED THAT MRS. GANDHI'S APPEAL BE PLACED BEFORE THE CHIEF JUSTICE'S COURT ON THE DATE THE COURT REOPENS, JULY 14, FOR A DECISION ON THE DATE

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HEARINGS WILL COMMENCE.SCHNEIDER

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